HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1380 OF 2004.

Mrs.Lourdes V. Baptista. ..Applicant.

Versus.

Shri Vedprakash Sidhwa & Ors. ..Respondents.

CORAM: V.M.KANADE,J

DATE: MARCH 16, 2005.

P.C.

1. Heard the counsel appearing for the applicant and respondents.

2. The applicant has challenged the order of issuance of process by the Metropolitan Magistrate, 10th Court, Andheri, Mumbai on the ground that the applicant had already retired as a Director on 30th November, 1996 and intimation was given to the Registrar of Companies by submitting Form-32. He has annexed the copy of the Form-32. The learned counsel appearing for respondent submits that in view of the resignation of the applicant before the issuance of cheque, there is no material to dispute the correctness of the said Form-32 annexed to the application. In the result the application will have to be

allowed. The process issued by the Metropolitan Magistrate, 10th Court, Andheri, Mumbai against the applicant is quashed and set aside. Magistrate is directed to decide the criminal case against the other accused as expeditiously as possible and in any case within a period of 3 months.

3. Criminal Application is allowed in above terms.

(V.M.KANADE,J)